

Update of Environmental Issues in the St. Marys River Area of Concern



**Prepared by
Mike Ripley
Environmental Coordinator
Inter-Tribal Fisheries and Assessment Program
179 West Three Mile Road
Sault Ste. Marie, MI 49783
mripley@sault.com**

June 26, 2009

Introduction

The St. Marys River is the connecting channel between Lake Superior and Lake Huron. Water from Whitefish Bay in Eastern Lake Superior flows over rapids that separate the twin cities of Sault Ste. Marie, Michigan and Sault Ste. Marie, Ontario and continues for about 112 km until draining into Lake Huron through channels between Detour, Michigan, Drummond Island, Michigan and St. Joseph Island, Ontario (see Figure 1). In 1985 the St. Marys River was listed by the International Joint Commission (IJC), in accordance with the Great Lakes Water Quality Agreement, as one of 43 Areas of Concern (AOCs) in the Great Lakes due to high levels of contaminants in sediments; high levels of pollutants discharged from area industries and wastewater treatment plants; loss of fish and wildlife habitat and eutrophication. The river is one of five binational AOCs shared by Canada and the United States. Canada has the lead responsibility to prepare the Remedial Action Plan (RAP) for the St. Marys River AOC because the bulk of pollution originates from 3 Canadian point sources: the Algoma Steel iron production facility (now Essar Steel), the St. Marys Paper mill, and the East End Sewage Treatment Plant. The focus of this report is the current status of efforts to alleviate impacts of sewage pollution from the East End Sewage Treatment Plant in Sault Ste. Marie, Canada to U.S. waters (especially Sugar Island, MI) and to highlight environmental issues in the St. Marys River AOC which have not been addressed at this time.

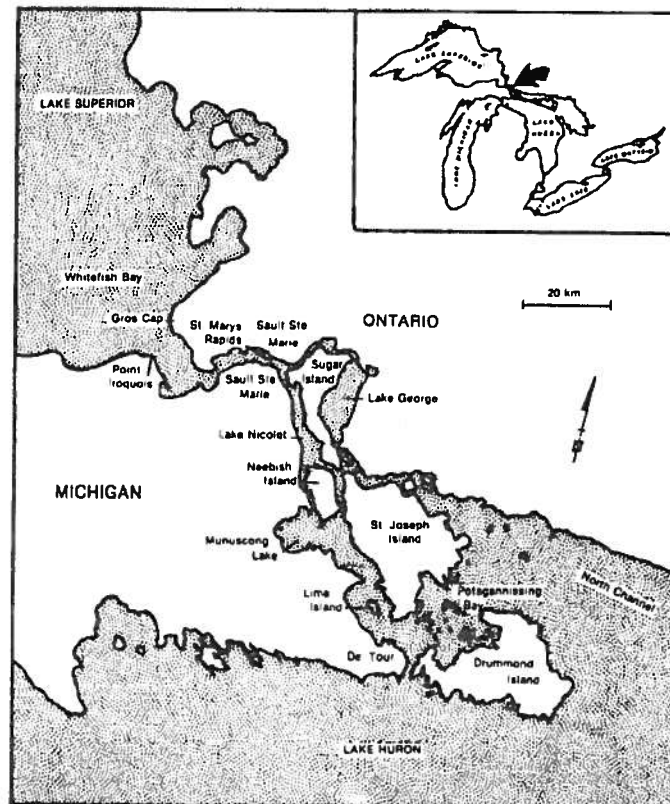


Figure 1. Location map of the St. Marys River and vicinity.

Background on Sewage Issue

The East End Sewage Treatment Plant (EESTP) located in Sault Ste. Marie, ON, Canada was built in 1961 as a primary sewage treatment facility and was considered at that time to be an improvement over the previous practice of releasing untreated sewage into the river. The effluent was discharged through a pipe located very near the U.S./Canadian border in a narrow part of the river that separates the northern part of Sugar Island, MI from the East end of Sault Ste. Marie, ON. As the city grew, it became clear that the plant and delivery system needed to be upgraded. Overflows at several areas along the system would occur during rain events resulting in releases of raw sewage into the river. Backups of sewage into the basements of Sault, Ontario residents, especially in the East end of the city, were routinely reported after heavy rain events (see documentation in Appendix B of this report). The Sugar Island (U.S.) public bathing beach located downstream of the EESTP discharge pipe would often be closed to swimming after these events due to the overflow of sewage from the Canadian plant.

The EESTP was implicated as a major source of pollution to the river in the Upper Great Lakes Connecting Channels Study conducted in the 1980's by U.S and Canadian agencies (UGLCS, 1988). The Stage 1 Remedial Action Plan (RAP) issued by the United States and Canada also implicated the EESTP as a major source of pathogens, nutrients, oil and grease and other pollutants to the river (RAP, 1992). Another major study by the Ontario Ministry of the Environment (OMOE) implicates the EESTP in the accumulation of contaminated sediment downstream of the discharge pipe (Kauss, 2000). The Binational Public Advisory Council (BPAC) was established in 1988 with the purpose of advising the U.S. and Canadian agencies during the RAP process. The BPAC is comprised of citizens representing stakeholders on both sides of the border including the municipalities, local elected officials, Native American Tribes and Canadian First Nations, academia, industry, environmental groups and waterfront property owners. During the period between the release of the Stage I RAP in 1992 and the release of the Stage II RAP in 2002, the BPAC repeatedly requested that the EESTP be upgraded to handle higher amounts and to release cleaner effluent (see Appendix B). The Stage II RAP also recommended the upgrade of the EESTP in order to meet the goals of cleanup for the river (RAP, 2002).

The city of Sault Ste. Marie, ON conducted a sanitary investigative study in the year 2000 which recommended that the City upgrade the plant and provide overflow containment at several areas along the delivery system. A successful grant application by the City to the Ontario Small Town and Rural (OSTAR) fund resulted in a grant of Canadian \$60 million to upgrade the facility and construction began in 2003. The new EESTP was completed in September 2006 and now consists of a secondary treatment plant (using biological nutrient removal) and disinfection using ultraviolet light. Upgrades to several pumping stations and the installation of a large sewage overflow containment tank were also completed during this time.

In the summer of 2005, during the construction of the new EESTP, waterfront residents of Sugar Island, MI reported that raw sewage was washing up on their properties located downstream of the plant. Sampling of this material by the Chippewa County Health Department (CCHD) confirmed that very high levels of Fecal Coliform, *E. Coli* and other pathogens were present. Subsequent sampling confirmed these results. The resulting campaign to convince the Canadian and U.S. agencies of this situation culminated in letters from the U.S. Consulate General and U.S. State Department to their Canadian counterparts (see Appendix B). A pending lawsuit was also initiated in 2006 by several Sugar Island residents against the Canadian Public Utilities Commission (PUC) for damages caused to their properties by the EESTP. A timeline showing events in chronological order is included as Appendix A of this report.

Current Conditions

In 2007, as a response to the events of the previous year, the Sugar Island Monitoring Work Group (SIMWG) was formed. The SIMWG consists of technical representatives from Environment Canada, Health Canada, U.S. Environmental Protection Agency (EPA), Ontario Ministry of Environment, Michigan Department of Environmental Quality (MDEQ), Algoma Public Health (APH), Chippewa County Health Department, Sault Ste. Marie Tribe of Chippewa Indians, Bay Mills Indian Community and BPAC. The purpose of the SIMWG was to develop a comprehensive, coordinated monitoring plan for the St. Marys River/Sugar Island

The SIMWG was charged with the following tasks:

1. Review previous water and sediment monitoring data, as well as various agency monitoring activities;
2. Identify data gaps and future monitoring needs;
3. Update/enhance the Sugar Island Incidence Response Protocol; and
4. Develop an interagency monitoring plan that incorporates ambient and event response monitoring activities.

Intensive monitoring of the waters adjacent to the new and old discharge pipes of the EESTP was conducted by the participants in 2007, 2008 and continuing in 2009. Results of the first two years of monitoring have been released (SIMWG, 2008 and 2009). Results indicate that levels of sewage related bacteria have greatly decreased since the completion of the new EESTP.

Other Environmental Priorities

The Stage II RAP contains recommendations by the governments of the U.S. and Canada to restore the beneficial uses of the St. Marys River. Several of these recommendations or action items have been achieved including upgrading of the EESTP and dredging of contaminants at the Cannelton Industries site (a former leather processing plant and superfund site on the U.S. side of the river). However, there are still many other action items that have not been addressed at this time. One of the most important of these is the

large amount of contaminated sediments still present in the Canadian side of the river (see figure 2). These contaminants include heavy metals, oil and grease, PAHs, phenols and woody debris.

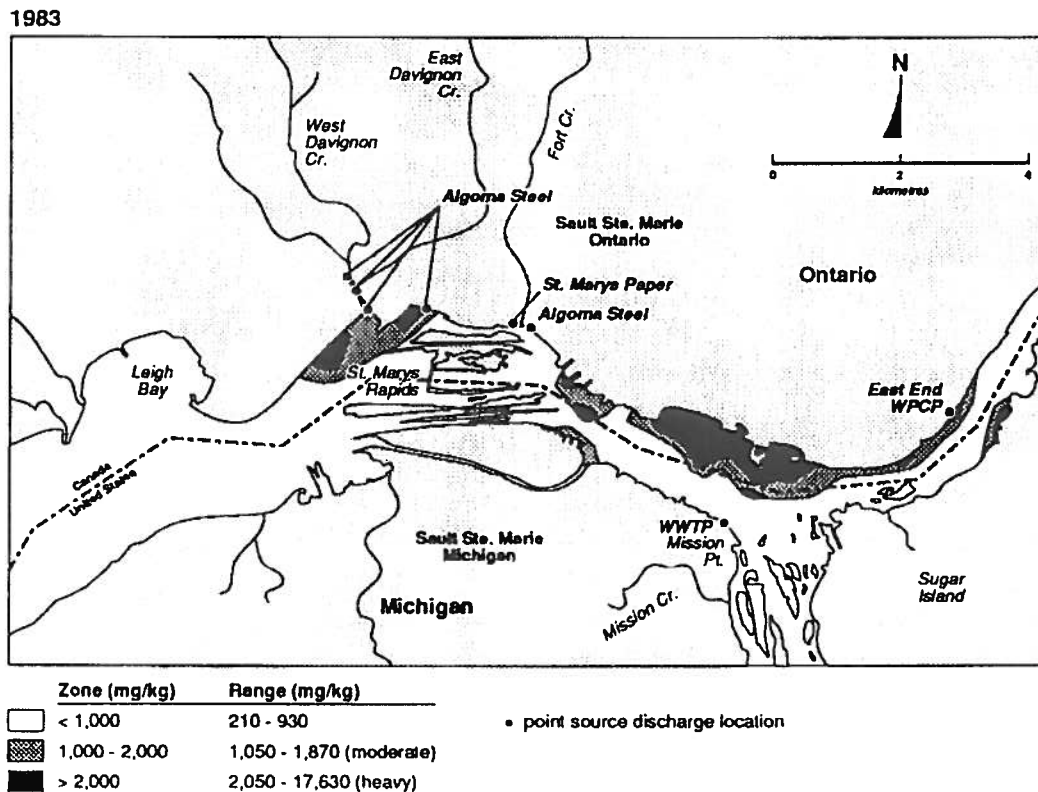


Figure 2. Contaminated Sediments in the St. Marys River from the Stage I RAP (RAP, 1992).

BPAC is continuing to urge Environment Canada and the OMOE to complete a comprehensive contaminated sediments plan as per the Stage II RAP however, as of this report, no plan has been implemented.

Other issues that require action include addressing non-point source pollution in tributaries to the St. Marys River including Ashmun Creek, Mission Creek, Frechette Creek, Munuscong River and Waishkey River on the U.S. side and East and West Davignon Creeks, Bennet Creek, Fort Creek and Root River on the Canadian side. Pollutants in these tributaries include high levels of chlorides from road salt, nutrients, human and animal pathogens, petroleum products from leaking underground storage tanks and sediments.

The Stage II RAP also contains many recommendations for the restoration of fish and wildlife habitat including the implementation of watershed plans, restoration of rapids and restoration of wetlands which have been destroyed (RAP, 2002).

References

Great Lakes Water Quality Agreement of 1978, as amended by Protocol on November 18, 1987. International Joint Commission, United States and Canada.

Kauss, P.B., and Nettleton, P.C. 2000. *Impact of Sault Ste. Marie East End Wastewater Treatment Plant Discharge on Lake George Channel (St. Marys River) Waters*. Ontario Ministry of Natural Resources ISBN 0-7794-0222-7.

RAP 1992. *The St. Marys River Area of Concern: Environmental Conditions and Problem Definitions*. Stage I. Environment Canada, U.S. EPA, Ontario Ministry of Environment and Energy, Michigan Department of Natural Resources.

RAP 2002. *The St. Marys River Area of Concern: Remedial Strategies for Ecosystem Restoration*. Stage II. Environment Canada, U.S. EPA, Ontario Ministry of Environment, Michigan Department of Environmental Quality.

Sugar Island Monitoring Work Group (SIMWG) 2007. *2007 St. Marys River Sugar Island Monitoring: A Final Report of the Sugar Island Monitoring Work Group*.

Upper Great Lakes Connecting Channel Study (UGLCCS) 1988. *Upper Great Lakes Connecting Channel Study*. Volume II. Jointly prepared by U.S. Fish and Wildlife Service, Ontario Ministry of Environment, Michigan Department of Natural Resources, Ontario Ministry of Natural Resources, Department of Fisheries and Oceans, National Oceanic and Atmospheric Agency.

Appendix A

Timeline of Events in St. Marys River Sewage Releases

Timeline for St. Marys River RAP and Sewage Contamination

1961 – Construction of the East End Sewage Treatment Plant in Sault Ste. Marie, ON.

1988 – International Joint Commission through the Great Lakes Water Quality Agreement declares the St. Marys River to be an Area Of Concern (AOC) along with 43 other areas in the Great Lakes. IJC determines that Canada and Ontario must take the lead on developing a Remedial Action Plan (RAP) to address the problems in the river.

- The Binational Public Advisory Council (BPAC) for the St. Marys River RAP is created. The BPAC is comprised of local municipalities, First Nations and Tribes, businesses, universities and concerned citizens.

1992 – Ontario MOE submits the Stage 1 RAP which outlines the problems in the river.

1995 – Budget cuts in Canada and the United States severely hamper any work being done on the St. Marys River RAP.

- Peter Kauss report titled “Impact of Sault Ste. Marie East End Sewage Plant Discharge on Lake George Channel Waters presented to Ontario MOE **however**, the report was not released to the public until 2000.

1998 – At the request of BPAC, the IJC issues a report on the progress of the St. Marys River RAP. The report is very critical of the governments and names the East End Sewage Treatment Plant as a critical polluter that must be addressed.

2001 – Ontario announces funding to upgrade the East End Sewage Treatment Plant. Work begins in 2002.

2002 – Ontario and Canada submits the Stage 2 RAP which is meant to include a plan to clean up the river. The plan does not address cleanup of the contaminated sediments – an oversight that is noted by the IJC.

2005 – Beach owners on Sugar Island start campaign to draw attention to sewage washing up on their properties.

- Cathy Abramson initiates the Sault Tribe St. Marys River Anishinaabeg Joint Commission.

January 2006 – BPAC initiates a petition to the governments of Canada and Ontario.

- Resolution by Sault Ste. Marie Tribe of Chippewa Indians

February 2006 – Open house held at White Pines High School in Sault, ON.

March 2006 – Petition presented to the Ministers of Environment for Canada and Ontario.

- Resolution by Bay Mills Indian Community

June 2006 – BPAC and St. Marys Task Force meets with Environmental Commissioner of Ontario.

- No Body Contact Warning issued by the Chippewa County Health Department.

July 2006 – State Representative Gary McDowell and U.S. Rep. Bart Stupak hold meeting with MOE regarding sewage contamination.

- Letter submitted to EPA from Senator Debbie Stabenow.
- Letter submitted to IJC and EPA from Rep. Bart Stupak.
- Public meeting on Sugar Island sponsored by Gary McDowell.
- Letter writing campaign initiated by Sault Tribe elders.

August 2006 – Letter submitted to Minister of Environment by MP Tony Martin.

- Resolution by City of Sault Ste. Marie, MI.
- Resolution by Chippewa County.
- Four Party Meeting in Lansing
- New Sewage Outfall tested, switch to new plant underway

September 2006 – Preliminary tests show drop in E. coli levels since new plant operating.

- Diplomatic note sent by U.S. State Department to the Canadian Embassy in Washington D.C.
- Dredging of chromium contaminated tannery waste on U.S. side of the river begins under Great Lakes Legacy Act funding.

October 2006 – Tests near outfall of the new East End Sewage Treatment Plant continue to show low levels of bacteria.

- **October 4, 2006** State Representative Gary McDowell and U.S. Representative Bart Stupak hold a “Town Hall” meeting at LSSU with Ontario MOE and Health Departments on panel
- **October 6, 2006** Grand Opening of new East End Sewage Treatment Plant in Sault Ste. Marie, ON.
- **October 19, 2006** U.S. Consulate General John Nay holds open house in Sault Ste. Marie, ON and meets with local MOE and U.S. Health officials.
- **October 31, 2006** Agencies announce that no more samples will be taken until Spring 2007

November 2006 – Canadian Member of Parliament Tony Martin sends constituent newsletter with BPAC suggestions for actions needed in RAP.

- **November 8, 2006** – Treaty signed by U.S. Tribes and Canadian First Nations on St. Marys River which pledge to work toward cleanup and protection of river.

February 2007 – First meeting of Anishinaabeg Joint Commission.

March 2007 – Four agencies agree to form the Sugar Island Monitoring Work Group (SIMWG) to collect and share scientific data and information regarding water quality conditions along the St. Marys River Sugar Island reach and the Lake George Channel.

- U.S. Representative Bart Stupak introduces language to a sewage treatment and wastewater bill that would increase cooperation between Canada and the U.S. in cases of cross-border sewage releases.
- M.P. Tony Martin and Bart Stupak meet in Washington D.C. to discuss sewage issue.
- PUC appears in U.S. Circuit Court in Marquette, MI over charges laid by homeowners on Sugar Island.

Appendix B

Supporting Documentation

THE SEWER BACKUPS and flooding some east-end residents of this city have faced over the past 20 years should have been fixed long ago.

Yes, it was going to cost, but taking care of the welfare of all of its residents surely is what being a city is all about.

Past councils approved a lot of sewer projects, pulling the money from the Sewer Surcharge Reserve Fund, which is used to finance projects related to sewage disposal, and/or issuing debentures. They should have tackled the flooding and sewer backup problem the same way.

Instead, they virtually ignored it, leaving the residents to cope on their own.

However, a council has finally come along that seems to understand the plight of the residents who for so long have lived with disaster only a heavy spring melt or summer downpour away. At long last there is acknowledgment of their pleas that it is a city problem and not one they should be left to face alone.

Especially year after year.

In April council instructed staff to prepare a report clearly identifying options to temporarily alleviate current sewage problems, and Monday night it approved one of them.

Council allocated \$645,000 from the Sewer Surcharge Reserve Fund to construct a separate sewer line which will run along Queen Street and then up Drake Street to Madeline. The Clark Creek Pumping Station will also be modified so there will be an isolated pumping chamber for this line.

The project is to be completed by fall.

Council also addressed another concern of the residents, the pumps and electrical equipment at the pumping station which they believe are suspect, by allocating \$385,000 for an upgrade to be completed next year.

Council had no trouble coming up with the money because even after a particularly heavy draw on the fund in 1997, \$3.5 million in projects being completed and paid for, the balance as of Dec. 31 still stood at \$2,688,079, according to figures provided by Michael Murray, director of financial services with the city.

The city collected \$4,332,198 in sewer surcharges in 1997, but \$2,031,092 was paid to the Ontario Clean Water Agency, which operates and maintains the city's two sewage treatment plants on a fee-for-service basis.

Murray said the city should take in about \$4 million again this year.

Besides making life a lot easier for the residents of this area, The installation of the separate sewer should also please the



Doug Millroy

Ministry of the Environment, which has been unhappy with the amount of raw sewage the Sault has been pumping straight into the St. Mary's River in emergencies.

The American side hasn't been all that happy with this dumping of raw sewage either. Recently Lake Superior State University proposed to study how the release of raw sewage into the St. Mary's River from the Ontario side affects residents of Michigan's Sugar Island.

Michael Ripley, chair of the Binational Public Advisory Committee, which sees the project as a priority, said in a story in this paper May 7 that: "Every year when raw sewage goes into the river, people on the American side have to shut down their beaches. They can't swim in the water and yet there are people taking water out of the river. We want to be sure these people's health isn't being endangered."

When the Ontario sewage system is overworked during the spring melt or a heavy rainstorm, there are 18 overflow locations from which raw sewage will be diverted directly into the St. Mary's River.

Dr. Allan Northan, recommending in a letter to Mayor Steve Butland on May 6 that the system needs to be fixed because no other action will prevent recurrences of sewage backup, was also worried about how a clean-up should be handled if a backup occurs before the system is fixed.

He said infectious material is present in sewage and there is a risk that the organisms present could be transmitted to humans, causing disease.

The laying down of some clean-up procedures would be welcomed by residents of the area susceptible to sewer backups and flooding, because some of them did get sick, either from coming in contact with the raw sewage in their basements or that which in some places covered lawns and streets and filled ditches.

Reading about the problems some of these people had was bad enough. It is hard to imagine living it.

Ted and Susan Yvonne, of 67 Riverside Dr., have had their basement flooded with raw sewage three times in seven years, the last two times back to back, in 1997 and again this year.

Although pressing for relief from the city, because of the inaction of past coun-

cils they didn't wait for it to respond. They took steps on their own to combat another flood.

They tore out the walls around a basement bathroom and laundry room, reconstructing them with two feet of concrete reaching up from the bottom. Steel plates would be inserted into the doorways during times of danger, such as in the spring or during a heavy rainstorm, to contain any backup that occurred.

"If it happened again, we wouldn't lose the whole basement as we have in the past," Susan said.

The Yvonnés said it cost \$30,000 to repair the basement and get new furniture in 1997 and it will cost about \$37,000 this year. Luckily, both incidents were covered by insurance.

Some residents, of course, weren't so lucky, being forced to foot bills as high as \$30,000 themselves.

"We probably wouldn't be able to get insurance again," Ted said, surveying the reconstruction project after the recent disaster. "We probably only got it this year because after the '97 flood we installed a floodgate (at a cost of just under \$4,000)."

The floodgate didn't work. It is designed to handle water. The Yvonnés got raw sewage, which included "excrement, sanitary pads, condoms, all kinds of stuff."

They are still talking legal action against the city to recoup the \$1,000 deductible on their insurance, costs of constructing the concrete wall, and other things not covered by insurance.

Somehow, such a payment seems only fair. After all, as Susan points out through pins she has placed on a map of the city, "these nine councillors were flushing into our basement."

So, of course, were a lot of us.

Now that I have a better handle on the plight of the east end residents, I find it hard to escape the conclusion it was downright sinful so many councils could ignore a problem of such magnitude for so long.

Council must never again be allowed to turn a blind eye to such a problem, to seemingly adopt a policy of taking the cheaper way out of paying off the odd claim rather than addressing the problem at its source.

Since we are all part of the cause, pumping our waste into the system, it is only fair we should all be part of the solution, rather than leaving it for those affected to bear alone, as was the case for so many years.

Doug Millroy is retired editor of The Sault Star.

30 May, 1998

ST. MARYS RIVER

BINATIONAL PUBLIC ADVISORY COUNCIL



25 April 2006

The Honourable Rona Ambrose
Minister of Environment
Les Terrasses de la Chaudière
10 Wellington St., 28th Floor
Gatineau, Quebec
K1A 0H3

The Honourable Laurel C. Broten
Minister of Environment
12th Floor
135 St. Clair Avenue West
Toronto, Ontario
M4V 1P5

Dear Ministers Ambrose and Broten:

On behalf of the St. Marys River Binational Public Advisory Council (BPAC) for the St. Marys River Remedial Action Plan, I am writing to present you with a petition collected from citizens of the St. Marys River Area of Concern. We collected these signatures, with the help of the Sault Ste. Marie Tribe of Chippewa Indians, Garden River First Nation, and Bay Mills Indian Community because of extreme levels of frustration in our communities over lack of progress towards remediation of contaminated sediments that continue to threaten the health of our families.

The St. Marys River BPAC is comprised of stakeholders from the AOC communities including representatives from municipalities, American Indian Tribes, health agencies, property owners and conservation groups. The BPAC has been actively consulting with the four parties (the governments of Canada, U.S., Ontario and Michigan) since its inception in 1988. One of the most important priorities identified by the BPAC was the need for upgrading of the aging and inadequate East Side Sewage Treatment Plant in Sault Ste. Marie, Ontario. Frequent sewage overflows and sewage leaking into the river resulted in beach closings on the U.S. and Canadian shorelines and impacted Tribal and First Nation lands.

The BPAC was very pleased to learn of upgrades to the East End Sewage Plant which began in 2004 and are scheduled to be completed in the summer of 2006. Our relief at this news was tempered last summer however, when property owners downstream of the sewage plant again reported sewage washing up on the beaches. An investigation by the local OMOE revealed that the source of this contamination was probably not from the

sewage treatment plant itself but from 100 years of sewage that have accumulated in the sediments below the outfall of the plant.

Indeed, the existence of these sewage contaminated sediments was identified in previous studies including a report by Dr. Peter Kauss published in 1999 [Impact of Sault Ste. Marie East End Wastewater Treatment Plant Discharge on Lake George Channel (St. Marys River) Waters]. Sediments contaminated by sewage make up only a fraction of the contaminated sediments in the St. Marys River however the extent and significance of the pollution has still not been adequately defined. Development of a "Multi-Agency Sediment Management Program" was one of the recommendations in the Stage 2 Report released in 2002. The lack of this vital plan addressing the contaminated sediments was criticized by the IJC in their evaluation of the Stage 2 Report and yet it still has not been completed at this time.

I urge you to review the timeline for this RAP. Responsibility for producing the reports has changed from office to office at least four times in the past 18 years. It should not take 18 years to produce a report.

In particular, BPAC would like to suggest the following recommendations in regards to next steps:

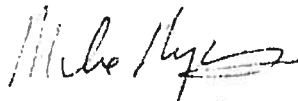
1. The governments need to appoint a dedicated and qualified RAP coordinator to be located in Sault Ste. Marie in order to follow through on the items required to complete this RAP. Oversight of this RAP from distant offices has not worked.
2. The governments must complete the comprehensive contaminated sediments plan in a timely manner. This plan is imperative to the successful completion of the RAP.
3. The accumulated, sewage related sediments existing below the former outflow of the east end sewage treatment plant must be addressed. Previously, it was assumed that raw sewage occasionally released from this facility was responsible for high levels of fecal coliform and other biological pollution resulting in beach closings and other impairments experienced in this area however, it is now clear that the sediments themselves are a source of these impairments.
4. The Great Lakes Water Quality Agreement, which mandated this RAP, very clearly states the importance of involving local citizens and stakeholders. Despite the long periods of inactivity on the part of the governments involved in the St. Marys River RAP, the Binational Public Advisory Council (BPAC) has continued to meet and to urge the governments to complete the RAP. In the past 5 years, the Canadian and Ontario representatives have stated to the BPAC that they are no longer needed. I would like to state that the BPAC is needed now more than ever.
5. Funding must be secured to remediate the contaminated sediments in the St. Marys River to a level which will insure that they are no longer a threat to residents swimming, fishing and living downstream of the affected area.

The BPAC and our communities on both side of the St. Marys River appreciate your consideration of these issues. Correspondence can be sent to me at the following address:

Mike Ripley, Chair
St. Marys River BPAC
C/O Inter-Tribal Fisheries and Assessment Program
179 West Three Mile Road
Sault Ste. Marie, MI 49783

Please do not hesitate to contact me at (906) 632-0072 or via email mriplev@sault.com .

Sincerely,



Mike Ripley, Chair
St. Marys River BPAC

cc: Susan Nameth, Environment Canada
Ken Cullis, Ontario Ministry of Natural Resources
Gary Gulezian, Environmental Protection Agency
Rick Hobrla, Michigan Department of Environmental Quality
The Rt. Hon. Herb Gray, International Joint Commission
Dennis L. Schornack, International Joint Commission

United States Senate

WASHINGTON, DC 20510-2202

August 1, 2006

Stephen L. Johnson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Johnson:

I am writing to urge the U.S. Environmental Protection Agency (EPA) to take stronger action to get Environment Canada to take responsibility for finding the source of contamination in the St. Marys River and to cleanup the river bottom adjacent to the East End Sewage Treatment Plant in Sault Sainte Marie, Ontario.

I am deeply troubled by the reports of raw sewage repeatedly washing onto the beaches of Sugar Island's North channel. E. Coli, which is present in raw sewage, causes infections if contaminated water gets into a cut or gastrointestinal illnesses after an unintended drink. E.Coli infections hurt young children and elderly people the most, and it can be fatal.

The St. Marys River is a boundary water between the U.S. and Canada, and both nations, in cooperation with the state of Michigan and the province of Ontario, need to aggressively pursue the source of contamination to ensure the safety of citizens on both sides of the border.

While I understand that the East End Sewage Treatment Plant in Canada will be upgraded in September, the area next to the plant outfall is a likely source for continued contamination and needs to be cleaned. I understand that an area next to the Sewage Plant outfall and that is roughly the size of a football field is covered in sludge and algae. This enriched sediment provides the perfect environment to incubate E. Coli bacteria that can send material downstream and plague the beaches of Sugar Island. I strongly encourage you to negotiate plans for the prompt cleanup of the contaminated sediment in the river bottom.

The residents of Sugar Island and along the St. Marys River should be able to enjoy their beaches and surrounding waters. Immediate action is needed to identify the source of the pollution and to cleanup an area that will be a larger problem if left unattended. Please let me hear from you on this urgent problem.

Sincerely,



Carl Levin

Cc:

Secretary Condoleezza Rice
The Honorable David Wilkins



AUG 02 2006

Mr. Mike Ripley
Chair
St. Marys River Binational Public Advisory Council
c/o Inter-Tribal Fisheries and Assessment Program
179 West Three Mile Road
Sault Ste. Marie, MI 49783
U.S.A.

Dear Mr. Ripley:

Thank you for your letter of April 25, in which you enclosed a copy of a petition concerning remediation of contaminated sediments in the St. Marys River.

I appreciate your comments and suggestions about restoring the St. Marys River ecosystem. As you are aware, Environment Canada is working with its provincial partners and its partners in the United States to restore environmental conditions in the river through the Remedial Action Plan (RAP).

Environment Canada remains committed to the RAP process. Through the federal Great Lakes Action Plan, we will continue to carry out our responsibilities in implementing those remedial actions contained in the St. Marys Stage 2 report that are deemed essential for restoring beneficial use impairments and delisting of this Area of Concern. These actions are related not only to contaminated sediment but habitat, municipal infrastructure, fish and wildlife. Since 1990, Environment Canada has provided \$1 million dollars in support of a number of projects connected to habitat, sediment, and municipal wastewater. Partner contributions to these projects have added another \$2.7 million. Future support with our limited resources must balance the needs of all 15 Areas of Concern in which Canada is involved. In addition, in December 2001 and April 2006, the Government of Canada contributed \$20 and \$1.22 million respectively towards Sault Ste. Marie's \$60-million upgrade of its primary East End sewage treatment plant (STP) to secondary treatment and treatment of its combined sewer overflows.

As you may be aware, the *Canada-Ontario Agreement* (COA) sediment assessment studies are moving ahead. As part of this, Environment Canada is working jointly with the Ontario Ministry of the Environment which is tendering a contract through the Sault Ste. Marie and Region Conservation Authority to work jointly with other local stakeholders to develop a sediment



.../2

management strategy for the Bellevue Marine Park sediments. Under this contract, the available monitoring information would be used in conjunction with the COA sediment decision-making framework to formulate the sediment management strategy.

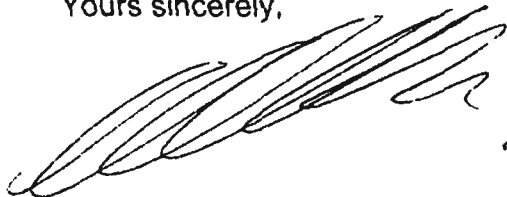
The contaminated sediment in the Algoma boat slip is being addressed by Algoma Steel under an *Environmental Management Agreement*. The sediments near the East End STP have not to date been identified as requiring intervention through the COA sediment assessment process; however, your concerns regarding aesthetic impairment associated with these sediments will be investigated. Your concerns about human health fall under the jurisdiction of Health Canada. I am, therefore, forwarding a copy of your letter to my colleague, the Honourable Tony Clement, for his consideration.

The assessment of contaminated sediment is a science-based process that requires a number of field seasons to complete. Several studies to assess contaminated sediment have been undertaken by Environment Canada and the provincial Ministry of Environment within the Area of Concern. Over the past five years Environment Canada has spent over \$250 000 on sediment related work with matching funds from its partners. These studies have assessed sediment chemistry, toxicity, benthic community assessment, bioaccumulation, fish health, and sediment stability. Data gaps from this work are currently being filled in order to assess the findings against the COA sediment assessment process. This assessment is expected to be completed by April 2007. Furthermore, a delisting criteria review is currently planned which will require input from community stakeholders and will establish targets for restoration. Once targets are established and the sediments characterized, sediment management options will be developed and a final remedial option will be selected and implemented.

The significant contribution made by the Binational Public Advisory Council to the development of the Stage 1 and 2 RAP reports is appreciated.

Please accept my best wishes.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Rona Ambrose', with a stylized, flowing script.

Rona Ambrose

c.c.: The Honourable Laurel C. Broten, M.P.P.
The Honourable Tony Clement, P.C., M.P.
The Right Honourable Herb Gray, P.C., C.C., Q.C.

Sugar Island residents file suit over sewage

City says legal action should have started on this side of river

By Michael Purvis
THE SAULT STAR

Sugar Island residents who claim Canadian sewage floats up on their shores have taken the matter to court.

Wayne Welch, a Sugar Island property owner, and others have filed a civil lawsuit seeking to stop city-owned PUC Inc., "from allowing human sewage to enter American waters and contaminating the St. Mary's River and Sugar Island's north shore properties," says a press release from Welch's lawyer.

While PUC says it hasn't received formal notice of the suit, the city maintains its position that its East End Sewage Treatment Plant discharges no raw sewage.

"We have no problem with any order by a competent court telling us to stop doing that which we are not doing," said Joe Fratesi, city CAO.

Fratesi also raised questions over jurisdiction for the lawsuit, which was filed in a Chippewa County Circuit Court.

"If, in fact, the cause of action is on the Canadian side, you ought to be starting your action on the Canadian side," Fratesi said.

Welch, who has long complained of what he describes as fecal matter collecting on his shores, referred inquiries

Anthony Garczynski, Welch's lawyer, could not be reached for comment Wednesday afternoon.

The 10-count complaint seeks injunctive relief and damages, and separate counts including nuisance, trespass, battery, negligence.

The issue of sewage in the St. Mary's River has recently heated up after a Michigan State Representative, Democrat Gary McDowell, reported being "aghast" at finding "acres of sewage," that he

**WE HAVE NO
PROBLEM WITH ANY
ORDER . . . TELLING US
TO STOP DOING THAT
WHICH WE ARE NOT
DOING.**

— Joe Fratesi, city CAO

said lead directly to the Ontario Sault's east-end plant.

While an excursion onto the river by officials from both sides of the border failed to find similar evidence, McDowell recently penned a letter to Ontario Premier Dalton McGuinty requesting the government take action to address the "contamination of the shoreline along Sugar Island."

Canadian officials and their U.S. counterparts had in recent weeks struck an agreement for increased co-operation and notification between parties.

**COPY
COPY**



House of Commons
**Tony Martin M.P.
Sault Ste. Marie**

Constituency

368 Queen Street East
Suite 100
Sault Ste. Marie, Ontario
P6A 1Z4

Tel: 705 941-2900
Fax: 705 941-2903

Ottawa

Room 811
Justice Building
Ottawa, Ontario
K1A 0A6

Tel. 613 992-9723
Fax: 613 992-1954

July 26, 2006

Honourable Rona Ambrose, Minister
Environment Canada
Les Terrasses de la Chaudiere
10 Wellington Street, 28th Floor
Gatineau, QC, K1A 0H3

VIA FACSIMILE

Dear Minister,

I write with great concern regarding the St. Mary's River, a body of international waters connecting Lake Superior and Lake Huron, in my riding of Sault Ste. Marie.

A long-standing issue has been raised again by Congressman, Bart Stupak, State Representative, Gary McDowell, the Chippewa County Health Department, researchers at Lake Superior State University and local residents of Michigan and Canada, that there are contaminants in the river that are injurious to the health of citizens of both countries.

Currently, there is a 'No Body Contact Order' issued by the Chippewa County Health Department for Sugar Island, and astronomically high rates of E-Coli and Coliform bacteria have been identified. The residents of Sugar Island have photographic evidence of raw sewage that has washed up on their beaches. I have attached the documentation for your information. Sugar Island residents have also recently filed a class action law suit against the Public Utilities Commission in Sault Ste. Marie, Canada.

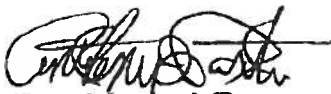
This is an extremely grave situation. There is an urgent need for staff resources from the ministries of Environment Canada and Health Canada to determine the causes of this crisis. There have been allegations made that the discharge from the sewage treatment plant in Sault Ste. Marie, Ontario is the culprit. Currently, the Sault Ste. Marie sewage

treatment plant is undergoing a 53 million dollar upgrade which will be completed by September 2006. Another possible source may be the accumulated sediment that has settled on the bottom of the St. Mary's River, due to continuous dumping of raw sewage into the river by both communities over the past 60 years. Low water levels and the rising temperature of the water may be a contributing factor. Testing by the Ontario Ministry of the Environment, Algoma Health Unit and Health Canada along the Canadian shoreline, do not indicate that there is a serious issue along the Canadian shore. However, the currents in the St. Mary's River flow towards the north-western shore of Sugar Island, Michigan.

The St. Mary's River is one of the 'Hot Spots' of the Great Lakes and a Remedial Action Plan (RAP) for this area was commissioned in 1999. That plan has never been implemented. I understand funding for the Great Lakes Sustainability Fund has been renewed for another five year period until March 31, 2010. This funding may go some way to clean up the sediment deposits in the river which also pose a risk to human health and the environment. The St. Mary's River, Binational Public Advisory Council, (BPAC), has recommended that the two governments involved appoint a dedicated and qualified RAP coordinator to be located in Sault Ste. Marie to complete the RAP.

Minister, as stated previously, this situation is extremely urgent. I am asking you to work with us to provide the funding necessary to clean up this potentially catastrophic environmental situation. I look forward to speaking with in the very near future, with a view to resolving this matter.

Sincerely,



Tony Martin, MP
Sault Ste. Marie

Encl.

TMldvb/CEP232



Ministry of the Environment
435 James Street South
Suite 331
Thunder Bay, ON P7E 6S7

Ministère de l'Environnement
435 rue James sud
Bureau 331
Thunder Bay, ON P7E 6S7

Fax: (807) 475-1754
Direct Line: (807) 475-1714

September 14, 2006

Director Stephen Chester
Michigan Department of Environmental Quality
525 West Allegan Street
Constitution Hall, 6th Floor
P.O. Box 30473
Lansing, MI 48909-7973

Steve Casey
Michigan Department of Environmental Quality
Upper Peninsula District Office
KI Sawyer International Airport and Business Center
420 Fifth Street
Gwinn, MI 49844

Dear Mssrs. Chester and Casey:

SUBJECT: Abatement Initiatives for the St. Marys River Area of Concern

Thank you for the recent opportunity to discuss our joint efforts and challenges surrounding the various abatement initiatives for the St. Marys River Area of Concern. As we discussed during our teleconference on September 7, 2006, many coordinated projects have been set in motion to address issues associated with this part of the river. The following provides an update on the latest activities:

Secondary Sewage Treatment, Sault Ste. Marie, Ontario,

- On August 10, 2006, City of Sault Ste Marie officials transferred primary sewage treatment to the upgraded secondary treatment facilities. Effluent is currently being discharged via the new outfall, and is receiving chlorination and ultraviolet light disinfection (in addition to primary and secondary treatment) before it is released to the river.
- Sampling data indicates that effluent from the facility is meeting the discharge requirements outlined in the Certificate of Approval (CofA). Sampling data and a copy of the CofA has been provided to Randy Conroy of your department.

RECEIVED
DEPT. OF ENVIRONMENTAL QUALITY

SEP 22 2006

WATER BUREAU

- Construction and commissioning of the remaining portions of the new sewage treatment plant are nearing completion. This facility has been upgraded at a cost of over \$73 million. The cost has been shared equally between municipal, provincial and federal sources. Full commissioning of the facilities is expected by the end of September, with many of the facilities already on line, including secondary treatment and the new, deeper, outfall.
- As quickly mentioned during our conversation, the issue of odours from the decommissioning of the East End Sewage Treatment Plant (EESTP) is being addressed by the Public Utility Corporation, with technical assistance of experts from the ministry's Environmental Sciences and Standards Division.

Inspections

- Ministry of the Environment (MOE) staff will continue to audit the EESTP facilities on a weekly basis. To date, no sources of raw sewage or bypasses have been reported or observed.
- Unannounced joint inspections of the Sault Ste Marie, Ontario, EESTP and the Sault Ste Marie, Michigan, STP were carried out by MOE and Michigan Department of Environmental Quality (MDEQ) on September 6, 2006. No non-compliance was noted at either plant.
- We are pleased to continue joint inspections of the Sault Michigan and Sault Ste. Marie East End plants. Sharing of approaches and technical data has been beneficial.

Incident Response Protocol

- In July 2006 the Incident Response Protocol to address complaints about sewage in the St. Marys River was jointly developed by the MOE, MDEQ, the Algoma Health Unit and the Chippewa County Health Department (CCHD).
- As discussed during our recent telephone conversation, we welcome your efforts to ensure that all parties coordinate incident response and maximize information. Sharing of the bacteriological data and complaint summaries from CCHD will also be very valuable.

River/Shoreline Sampling/Analysis

- MOE staff have monitored and sampled the river on a weekly basis this summer. The MOE will continue to monitor and sample the river for the remainder of the ice-free season.
- To date, no suitable sample of the solids material washing up on Sugar Island has been collected by the CCHD for analysis. In order to help identify the source(s), sample collection, in accordance with scientific sampling protocols, is one of the priorities under the Incident Response Protocol,
- MOE has compiled all of the data from the various activities and programs which took place this field season. Our staff are currently reviewing the data to identify trends and potential conclusions.

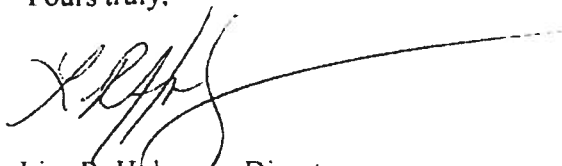
- MDEQ has provided the MOE with a copy of the recent draft report released by Dr. Joan Rose of Michigan State University. This report is now being reviewed by senior technical staff within the ministry and Environment Canada. We appreciate the opportunity to review the draft report and upon completion of the reviews will provide comments to MDEQ.

Sediment Sampling Program

- As you are aware, Environment Canada has developed a sampling program for sediments within the Sugar Island reach of the river. I have confirmed that the proposed sampling/analysis plan has been discussed by the Remedial Action Plan (RAP) team and that Environment Canada has requested comments/suggestions from the team. It is my understanding that Environment Canada will be in Sault Ste. Marie during the week of September 18, 2006, to undertake the sediment program.
- There are a number of other sediment activities proceeding on the river:
 - Bellevue Marine Park: Kresin Engineering has provided the RAP team with a preliminary report on the opportunities and challenges related to contaminated sediments at Bellevue Marine Park on the Canadian shore of the river. More delineation of the contaminated zone is planned by Environment Canada staff.
 - Algoma Steel: Algoma Steel Inc. commenced dredging in August. The program is designed to remove PAH contaminated sediments in the boat slip and the mouth of Bennett and West Davignon creeks. The clean-up was suspended in September to preclude any effects on fish spawning in the area.
 - MC Marine: Our staff welcomed the opportunity to meet with MDEQ staff on September 6, 2006, at the MC Marine site in Sault Michigan. The site will be used to treat dredged materials from the Camnelton site at Tannery Bay prior to final disposal.
 - Sault Michigan Gasification Plant: The clean-up of sediments at the previous gasification plant in Sault Michigan has proceeded. I expect that a request for the final report on the project, when available, will be received through the provincial representative on the RAP Team.

The complex nature of the contamination issues and solutions associated with an international river of 112 kms in length requires a very cooperative and open approach. I am certainly heartened by the discussions and actions which continue to be coordinated between our two agencies.

Yours truly,



Lisa R. Holzman, Director
Northern Region

ST. MARYS RIVER

BINATIONAL PUBLIC ADVISORY COUNCIL



October 10, 2008

The Honourable John Rowswell
Mayor, City of Sault Ste. Marie
Level IV, Civic Centre
99 Foster Drive, P.O. Box 580
Sault Ste. Marie, Ontario P6A 5N1

Re: New Sewage Treatment Plant.

Dear Mayor Rowswell:

On behalf of the Binational Public Advisory Council (BPAC) for the St. Marys River RAP, I am writing to recognize the success of the new East End Sewage Treatment Plant as it nears almost two years of operation. The upgrades to this plant and system have resulted in a great reduction in pollution reaching the river and will allow the Remedial Action Plan (RAP) process to move forward with other actions required to eventually delist the St. Marys River as an Area of Concern (AOC).

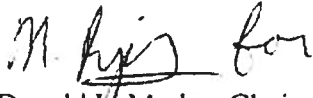
In 1988 The St. Marys' River BPAC was formed through the Great Lakes Water Quality Agreement to provide public input into the process of identification of pollution sources and problems and to establish criteria for delisting and remediation protocols for cleanup of the river. The BPAC is comprised of local stakeholders from the St. Marys River communities including municipalities, universities, Tribes/First Nations, industry/business, NGO's, and local governments. One of the more difficult issues that the RAP needed to address, was untreated sewage from both sides of the river that would be discharged to the river especially after rain events. The East End Sewage Treatment Plant and sanitary collection system were recognized by the RAP and BPAC as major issues that needed to be addressed before impairments to the river could be repaired.

The upgrade to the East End Sewage Treatment Plant, improvements to the sanitary collection system and separation of Sault, Michigan's combined storm sewers have cost taxpayers on both sides of the river but these investments will greatly improve the health of the river's ecosystem, the health of our communities and the economy of our region now and in the future.

Mayor John Rowswell
October 10, 2008
Page 2

BPAC looks forward to working with the City and our other partners to continue the improvement of conditions in the St. Marys River.

Respectfully,

A handwritten signature in black ink, appearing to read "D. Marles".

Donald L. Marles, Chair
Binational Public Advisory Council

Cc: Jason Hamilton, RAP Coordinator, Ontario Ministry of the Environment
Michelle Selzer, RAP Coordinator, Michigan Department of Environmental
Quality
Kate Taillon, Environment Canada
Jamie Schardt, U.S. Environmental Protection Agency
City Council Members, City of Sault Ste. Marie, Ontario